

**CALIFORNIA CODE OF REGULATIONS, TITLE 10.
CHAPTER 5, SUBCHAPTER 1**

AMENDS ARTICLE 6.5 TO READ:

Section 2186.1. Definitions.

For purposes of these regulations:

(a) "Provider" means any institution or organization as described in Section 1749.4 of the California Insurance Code, including an authorized insurer, recognized agents' association or insurance trade association, and any accredited college, or university or trade school, or any other person or entity offering classes, courses, seminars, programs and self-directed study in insurance intended to satisfy the requirements of Sections 1749, ~~or 1749.3, 1749.31, 1749.8 or 10234.93(a)(4)~~ of the California Insurance Code.

(b) "Provider director" means the individual within a provider organization with responsibility for the administration of the programs approved by the Commissioner pursuant to Sections 1749, ~~and 1749.3~~ 1749.31, 1749.8 and 10234.93(a)(4) of the California Insurance Code.

(c) "Certified provider" means a provider who or which has been determined by the Commissioner to have met the requirements of Section 2188 of this article.

(d) "Controlling person" means any of the following persons within a provider possessing decision making authority in matters pertaining to prelicensing and/or continuing education: a provider director, partner, corporate director, officer, shareholder owning a ten percent (10%) or more interest in the organization, or other person with decision making authority.

(e) "Instructor" means a person who conveys curricular content to students on behalf of a provider.

(f) "Student" means:

(1) an individual taking a prelicensing education course that is required as a prerequisite to obtaining a life agent, fire and casualty broker-agent, or personal lines broker-agent license; or,

(2) an individual taking an education course to satisfy the requirements of Section 1749.3 1749.31, 1749.8 and 10234.93(a)(4) of the California Insurance Code.

(g) "Classroom" means:

(1) any space sufficiently designed so that instructor(s) and students can communicate

with a high degree of privacy and relative freedom from outside interference; or

(2) for continuing education courses only, classroom may include teleconferences with audio/visual interface-, internet chat rooms, or other electronic devices used to accommodate technological changes.

(h) "Course" means any program of instruction taken or given to satisfy the requirements of Sections 1749, ~~and 1749.3~~ 1749.31, 1749.8 and 10234.93(a)(4) of the California Insurance Code.

(1) A "contact course" is a classroom presentation, seminar, workshop, conference, lecture, or teleconference with monitored attendance. A "class" is a contact course presentation.

(2) A "self-directed course" is a continuing education course, with study material in text, video, audio cassette, computer disk form, or other similar form designed for individual study by a licensee. Attendance monitoring is not required.

(3) A "combination course" is a course that includes both self-directed and contact course requirements to total a minimum of three (3) continuing education hours. It is mandatory for the student to complete the self-directed portion prior to completing the contact course portion of the course. Successful completion will be determined by the provider in the same manner as described in Sections 2188.6(c), (d) and (e).

(i) "Approved course" means a course for which the Commissioner has granted his written approval. The Commissioner reserves the right to reduce the hours requested if the course fails to meet all of the criteria set forth in these regulations.

(j) "Curriculum" is a statement describing the general content required in a course of study to satisfy the requirements of Sections 1749 et. seq. of the California Insurance Code. Each curriculum is approved by the curriculum board and the Commissioner.

(k) ~~"Original Signature"~~ means, a written form of identification such as an ink signature or an electronic log-in/log-out assigned number. This definition of a signature is not all inclusive because such definition may be modified to accommodate technological advances.

(1) "Original signature" means the provider director's actual signature. Original signatures are required on all provider and course applications and renewals, as well as on each "Prelicensing/Continuing Education Program Out-of-State Provider Jurisdiction Agreement" form (Form 446-40) and "Prelicensing and Continuing Education Provider Stipulation to Maintain Records Outside of California" form (Form 446-32). A provider may utilize either a controlled signature stamp, or a computer generated signature, or appoint an authorized designee for purposes of signing any other forms. Prior to using either a signature stamp or a computer generated signature, the provider must submit to the Department a thorough explanation of the steps the provider has taken to ensure the

security of either the stamp or computer facsimile. Prior to utilizing an authorized designee, the provider must submit to the Department a list of the names of the persons so authorized, along with a sample of each person's signature.

(2) "Electronic signature" means an assigned student log-in/log-out number from an approved provider that allows a student to log into a computer-based class presentation. The approved provider must maintain the time attendance of each student who participates in the computer-based course.

(1) "Electronic filing" is the method which the education provider submits the course rosters and class presentation schedules. The electric filing methods include, but are not limited to, the California Department of Insurance's Web site, electronic flat file, diskette, compact diskette (CD), or digital versatile disc (DVD).

NOTE: Authority cited: Section 1749.7, Insurance Code. Reference: Sections 1749, 1749.1, 1749.3, ~~and 1749.31~~, 1749.4, 1749.8 and 10234.93(a)(4), Insurance Code.

Section 2188.2. Course Approval.

(a) Every provider desiring to obtain approval of a course shall submit to the Commissioner, on Form 446-3 ([Prelicensing/Continuing Education Program Course Approval Application] REV. 4/95 ~~5/04~~), incorporated by reference herein, a course approval application, along with the applicable filing fee specified in California Insurance Code Section 1751.1. The course approval application form shall request information which shall include but not be limited to the following:

(1) the title of the course;

(2) a detailed statement of how each specific course is relevant to insurance topics or insurance products;

(3) a detailed outline of approximately one (1) page per hour of instruction for a contact course, including the time each topic is being presented; or a copy of all materials presented to each student and the time each topic is being presented.

(4) the number of credit hours requested for the course and how the number was determined;

(5) the applicable license type(s) of the intended audience;

(6) an agenda showing the beginning and ending times, breaks, and time allotted for exams, if given;

(7) the examination proposed to be used for the course when completion by examination is required; the exam shall include the answers along with a page and paragraph reference for each answer to the source material; and a statement on how the provider will maintain

the integrity of the examination including a page and paragraph reference to the source book(s) for the answers; the length of time students have to complete a course; a copy of the exam instruction sheet that goes to the students; an explanation of how a course's completion date is determined, who maintains control of the answer key, what constitutes a passing grade and the provider's procedures in the event that a student fails an exam;

(8) when using another vendor's source material as the basis for the course, a current letter of authorization from the author or publisher;

(9) whether the course is open to the public; and

(10) the original signature of the provider director certifying accuracy of information provided.

(b) Every provider desiring to obtain approval of a contact course shall advise the Insurance Commissioner of the course's proposed location, including street address, city, state and zip code, and dates and time of the course. Such information shall be received at least fourteen (14) days before the course is scheduled to begin. The provider shall provide this information on Form 446-12 ([Class Presentation Schedule Form] REV ~~4/95~~ 11/01, incorporated by reference herein.)

(c) Any requests for course approval shall be received by the Department not less than sixty (60) days prior to the date of the course offering. The Department shall inform all providers and provider applicants submitting such requests within seven (7) days from the Department's receipt of an application whether it is complete and accepted for filing, or that it otherwise contains deficiencies requiring correction. Incomplete course applications shall remain active for one (1) year unless withdrawn by the applicant. After one (1) year, a new application is required, along with the applicable filing fee specified in California Insurance Code Section 1751.1. Notification that an application is complete does not necessarily mean the Department considers all information contained therein to be sufficient, and submission of insufficient information may be a basis for denial of course approval. The Department shall decide whether to approve or reject a course within sixty (60) days of its receipt of a request, however the sixty-day (60) time period shall be tolled during any time that a provider or provider-applicant comes under formal investigation by the Department.

(d) All advertisements for approved courses shall include the name of the provider, course title as approved by the Commissioner, license type for which the course is approved and the credit hour(s) assigned. No course shall be advertised as approved for credit by the Insurance Commissioner until approved in writing by the Insurance Commissioner.

(e) A course may be advertised as submitted for approval if a complete filing pursuant to Section 2188.2(a) has been submitted within the time specified by Section 2188.2(c), and if such advertisement includes an advisement, in at least the same size type as any language regarding the course having been submitted for approval, that the course is

pending approval.

(f) Minor changes to courses that do not affect course content or presentation time should be reported in letter form not less than thirty (30) days prior to implementation of the change. A new edition of a book with approximately the same content may be considered a minor change.

(g) Major changes that affect presentation time or that materially alter the course content shall be filed as a new course. The course application shall be received by the Department not less than sixty (60) days prior to the date of the first course offering using the new material. Use of a different source book is considered a major change.

(h) Any changes regarding the location or date of any previously approved course, or notification of any additional date or location offering of a previously approved course shall be submitted on Form 446-12 ([Class Presentation Schedule Form] REV 4/95 11/01) incorporated by reference herein, and such notification must be received by the Commissioner at least ten (10) days prior to the course offering. Late submission of a class presentation schedule must be accompanied by a letter of explanation signed by the provider director, in order for the Department to consider the course for approval. Continued noncompliance with the notification requirements of this subsection, including any failure to submit a letter of explanation, shall be considered grounds for the rescission of a provider's certification.

(i) Credit hours for contact courses, such as seminars, workshops or conferences, are determined using a fifty (50) minute hour. Credit for self-directed programs will be determined using a sixty (60) minute hour. Fractional hours or credit of less than one (1) hour will not be granted.

(j) No student shall receive contact instruction for more than eight (8) hours per day.

(k) Subjects qualifying for continuing education course approval shall include, but not be limited to, insurance contract analysis, risk management techniques, and rating and classification sessions. The overriding consideration in determining whether a specific program or course qualifies for continuing education credit is that it be a structured learning program which contributes directly to the professional or technical competence of the individual licensed. Courses on nontraditional insurance products or programs may be acceptable if the course contributes to the professional or technical competence of the individual person in the capacity for which they are licensed.

~~(l) Subjects not qualifying for continuing education course approval shall include, but not be limited to, sales training, communication skills, motivational training, meetings offered by insurers to launch new products or programs, and self-improvement programs. Combination courses (contact and self-study combined) do not qualify for credit. Contact and self-directed course subjects that do not qualify for continuing education course approval shall include but not be limited to: sales training, communication skills,~~

motivational training, meetings offered by insurers to launch new products or programs, and self-improvement programs.

(m) Combination courses having identical content in both the self-directed and contact portions of the course may not be approved. Combination courses having identical content in both the self-directed and contact portions of the course may be subject to a reduction in requested hours.

~~(m)~~ (n) Courses may fail to qualify for continuing education credit if the subject matter is deemed to be too basic, or is not at least as comprehensive as any applicable portion of the prelicensing curriculum. Courses which have, as a majority of their allocated time, general subject matter such as economics, demographics, taxation and law will be decided on a case by case basis. Courses on retirement planning, financial planning and estate planning may not qualify if the course curriculum does not reflect a substantial allocation of course time to training the agent to provide product- specific information to insurance consumers.

~~(n)~~ (o) No course approved for prelicensing or continuing education credit shall be construed to be endorsed by the Commissioner.

~~(o)~~ (p) Only an approved provider can offer and schedule an approved course; providers cannot delegate this authority to instructors or other parties.

~~(p)~~ (q) When scheduled courses are cancelled, providers must take reasonable efforts to notify all registrants and maintain documentation of those efforts.

NOTE: Authority cited: Section 1749.7, Insurance Code. Reference: Sections 1749.2 to 1749.6, Insurance Code.

Section 2188.6. Successful Completion of Continuing Education Courses.

(a) Students shall attend all of a scheduled contact course; any exceptions must be approved by the instructor or provider director and must not violate the minimum attendance requirements listed below in Section 2188.6(b). The provider/instructor has the authority to withhold credit for program completion when, in his or her opinion, the student did not pay satisfactory attention or otherwise failed to demonstrate acceptable student conduct in class.

(b) Except as set forth in other subsections of this Section, successful completion of a contact course referred to in California Insurance Code Sections 1749.4(g) shall be by attending at least eighty percent (80%) of a scheduled course.

(c) Course attendance shall be determined by the provider completing and maintaining a daily attendance record, at both the beginning and end of each session, in the same manner as described in Section 2188.5(b).

(d) Providers of courses referenced in California Insurance Code Section 1749.4(f) are exempt from the attendance record keeping requirements of subsection 2188.5(b) above. A student's successful completion of such courses will be by obtaining a passing grade of at least seventy percent (70%) on a final examination or an instructor's certification that such student attended at least eighty percent (80%) of the contact course.

(e) Students taking self-directed courses must meet the provider's established criteria for acceptable work. Successful completion of self directed courses shall mean obtaining a passing grade of at least seventy percent (70%) on a final examination. The final examination shall be graded by the approved provider. The provider shall issue certificates of completion only to those students who have passed the final examination.

(f) Courses of video only, or audio only programs, conducted in supervised environments involving attendance monitoring, such as work stations or conference rooms, may qualify for continuing education credit without the use of a final examination. A student's successful completion of such a course shall be by attending all of the scheduled time; any exceptions must be approved by an instructor or provider director and must not violate the minimum attendance requirements. Attendance shall be verified in accordance with Section 2188.5(b), by any approved provider.

(g) No course shall be taken for credit more than once within a two (2) year license period.

(h) Students licensed as a life agent and/or a fire and casualty broker-agent shall complete courses, programs of instruction, or seminars which follow a prescribed outline and have been approved by the Commissioner on ethics as part of, and not in addition to, the continuing education requirements pursuant to California Insurance Code Section 1749.3. The minimum number of hours required on ethics is as follows:

(1) The life agent and/or fire and casualty broker-agent shall satisfactorily complete four (4) hours on ethics each license term.

(i) Students licensed as a personal lines broker-agent shall complete those courses, programs of instruction, or seminars which follow a prescribed outline and have been approved by the Commissioner on ethics as part of, and not in addition to, the continuing education requirements pursuant to California Insurance Code Section 1749.31. The minimum number of hours required on ethics is as follows:

(1) The personal lines broker-agent shall satisfactorily complete two (2) hours on ethics each license term.

(j) Excess ethics continuing education hours accumulated during any license term may not be carried forward to the next license term. Pursuant to Section 2188.6(g), no course shall be taken for credit more than once within a two (2) year license term.

NOTE: Authority cited: Section 1749.7, Insurance Code. Reference: Sections 1749, 1749.1, 1749.3, 1749.31, ~~and~~ 1749.4, 1749.8 and 10234.93(a)(4), Insurance Code.

Section 2188.8. Certificates of Completion.

(a) Certificates of completion shall be provided by the approved provider to any student successfully completing a prelicensing, continuing education, or training course. Duplicate certificates of completion shall be issued by providers upon request in the case of lost or destroyed certificates. Certificates of completion shall contain the following information:

(1) original signature of the student and the instructor, or the provider director, or in the case of supervised audio/video courses, the original signature of the provider director designee who supervised the course and verified attendance;

(2) the title and Department of Insurance course approval number of the course completed;

(3) the provider name, address, telephone number and Department of Insurance approval number;

(4) for contact courses, the date/s of the course taken, the date completed and the city, including street address and zip code, where taken;

(5) the number of hours approved for the course; ~~and~~

(6) a statement that submitting a false or fraudulent certificate of completion to the Commissioner may subject any application for an insurance license to denial, and any issued license to suspension or revocation; and

(7) certificates of completion or the records of final examination grades of courses taken to satisfy the requirements of California Insurance Code Section 1749.3, 1749.31, 1749.8 and 10234.93(a)(4) shall state that the student should retain the certificate for five (5) years.

(b) The provider shall provide the Commissioner with a roster of students given certificates of completion, ~~within thirty days following the completion of a course. as follows: Said roster shall include the name of the instructor if the latter is requesting credit for the course. The roster may be submitted on Form 446-13 [(Provider Roster) (REV. 8/96)], incorporated by reference herein, or on a form selected by the provider, as long as the form contains the following minimum requirements:~~

~~(1) the name, social security number and insurance license number (if any) of the student;~~

~~(2) the provider name and Department of Insurance approval number;~~

~~(3) the course title and Department of Insurance approval number;~~

~~(4) the date and location of course including street address and zip code;~~

~~(5) the number of hours approved for the course; and~~

~~(6) the signature of the provider director certifying accuracy of information provided.~~

(1) The prelicensing roster is to be submitted within ten (10) business days following the completion of the course.

(2) The continuing education roster is to be submitted thirty (30) calendar days following the completion of the course. Said roster shall include the name of the instructor if the instructor is requesting credit for the course.

(3) The roster shall be submitted through an electronic filing method which can include, but is not limited to, the California Department of Insurance's Web site, electronic flat file, diskette, compact diskette (CD), or digital versatile disc (DVD). Specific requirements for submitting rosters using one (1) of the methods noted above will be provided by the education unit.

(4) Submission of typed hard copy form (446-13), [(Provider Roster) Rev. 8/01], incorporated by reference herein or typed on a form selected by the provider, as long as the form contains the following minimum requirements, will only be accepted under special circumstances previously approved by the CDI:

(i) the name, social security number and insurance license number (if any) of the student;

(ii) the provider name and Department of Insurance approval number;

(iii) the course title and Department of Insurance approval number;

(iv) the date and location of course including street address and zip code;

(v) the number of hours approved for the course; and

(vi) the signature of the provider director certifying accuracy of information provided.

(c) Submission of a late roster shall be accompanied by a letter of explanation signed by the provider director. Continued noncompliance, including any failure to supply a letter of explanation, shall be considered grounds for the rescission of a provider's certification.

~~(d) Certificates of completion or the records of final examination grades of courses taken to satisfy the requirements of California Insurance Code Section 1749.3, shall state that the student should retain the certificate for five years.~~

NOTE: Authority cited: Section 1749.7, Insurance Code. Reference: Sections 1749, 1749.1, 1749.3, 1749.31, ~~and~~ 1749.4, 1749.8 and 10234.93(a)(4), Insurance Code.